

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 5, 6, 8, 10, 15 and 84-97 are currently pending in this application. By the foregoing amendment, Claim 86 has been canceled without prejudice or disclaimer, and Claims 5, 6, 8, 10, 15, 87, 89 and 93 have been revised. Accordingly, Claims 5, 6, 8, 10, 15, 84, 85 and 87-97 remain in this application for consideration and allowance.

In his October 24, 2003 Office Action, the Examiner made the following claim objections and rejections, which are respectfully traversed for reasons subsequently set forth herein.

1. Claims 87 and 93 have been objected to as respectively being substantial duplicates of Claims 5 and 92, and. Claim 8 has been objected to due to the use of the word "inflatable" in line 12 thereof;
2. Claims 10, 15, 84, 89 and 91-97 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,505,682 to Brockman;
3. Claims 10, 15, 84 and 91-97 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,683,944 to Curlett;
4. Claims 5 and 87 stand rejected under 35 USC §103(a) as being unpatentable over Brockman in view of U.S. Patent 6,227,303 to Jones;
5. Claims 6 and 88 stand rejected under 35 USC §103(a) as being unpatentable over Brockman in view of Jones, further in view of U.S. Patent 5,392,862 to Swearingen;
6. Claims 8 and 90 stand rejected under 35 USC §103(a) as being unpatentable over Brockman in view of U.S. Patent 3,099,318 to Miller; and

7. Claim 85 stands rejected under 35 USC §103(a) as being unpatentable over Brockman in view of U.S. Patent 3,712,373 to Bearden et al.

Turning now to matters of form, with respect to the Examiner's objection to Claim 87 as being a substantial duplicate of Claim 5 it is respectfully submitted that Claim 87 differs from Claim 5 in that Claim 5 requires that the sidewall material be nonmetallic whereas Claim 87 does not. It is noted that this would be a perfectly permissible dependent claim limitation if Claim 87 depended from Claim 5. Accordingly, Claim 87 is not seen to be substantially identical to Claim 5. To overcome the Examiner's objection to Claim 93, the word "internal" therein (a minor typographical error) has been changed to "external" so that Claim 93 is not substantially identical to Claim 92. Finally, the Examiner's objection to Claim 8 has been overcome in the foregoing amendment by changing the word "inflatable" to --inflatably-- in line 12 of Claim 8.

Turning now to the merits of applicants' claims, via amended independent Claims 10 and 15, each of applicants' Claims 10, 15, 84, 89 and 91-97 now specifies, in a well screen, a plurality of telescoped tubular members including an innermost tubular member having a sidewall including a material, with no other tubular member being disposed within the innermost tubular member, and at least one line embedded in the sidewall material of the innermost tubular member. Representatively, but not by way of limitation, this claimed well screen structure is depicted in FIG. 3 of the present applicants' drawings, with the well screen 24 having a tubular base pipe 28 (an innermost first tubular wellscreen member) telescoped within an outer perforated shroud 34 (a second tubular wellscreen member), with a line 26 being embedded in the innermost tubular member 28 which has no other tubular member disposed therein.

The Brockman reference clearly fails to meet these claim limitations. Specifically, the Brockman conduit 21 referred to by the Examiner (cross-sectionally depicted in FIG. 3 of Brockman) has an inner metal tube 40 encased by an encapsulant material 33 bonded thereto. Lines 164, 166, 167 are embedded within the encapsulant 33 and are not embedded within the innermost tube 44.

The Examiner characterizes the conduit structure 33, 40 as a single tubular member which (apparently because there is no other tubular member shown in FIG. 3 of Brockman) he asserts can be characterized as an "innermost" tubular member. However, since Claims 10, 15, 84, 89 and 91-97 now require a plurality of telescoped tubular members, with the innermost tubular member having a line imbedded therein, the Brockman conduit structure 33, 40, characterized by the Examiner as a single tubular member, clearly fails to meet the limitations of these claims.

In his October 24, 2003 Office Action the Examiner states that "merely naming the tubular member as 'innermost' does negate the presence of other members inwardly thereof". In the foregoing amendment, the claim term "innermost" has been clarified by amending independent Claims 5, 8, 10 and 15 to specify that there is no other tubular member disposed within the innermost tubular member (or within the recited inner tubular body portion in the case of Claim 8).

It is noted that in an attempt to maintain his anticipation rejection based on the Brockman reference, the Examiner may now try to characterize the Brockman conduit 21 as having two separate telescoped tubular members (i.e., the tubular structures 33 and 40). However, even if this characterization is made, the Brockman conduit structure 33, 40 still would not meet the limitations of Claims 10, 15, 84, 89 and 91-97 since no line would be imbedded in the Brockman inner tubular member 40. It is thus respectfully submitted that none of applicants' Claims 10, 15, 84, 89 and 91-97 is anticipated by the Brockman reference.

Curlett also fails to meet the above-discussed limitations of Claims 10, 15, 84 and 91-97. Specifically, the tubular casing 366 referred to by the Examiner (see Curlett FIGS. 25 and 26) clearly does not have a plurality of telescoped tubular members with the innermost tubular member being perforated and having a line embedded therein. As can be seen in FIG. 25 of Curlett, the tubular casing structure 366 has only a single tubular member, and such single tubular structure is not perforated. It is thus respectfully submitted that none of applicants' Claims 10, 15, 84 and 91-97 is anticipated by the Curlett reference.

Turning now to the Examiner's obviousness rejections of Claims 5, 6, 8, 85, 87, 88 and 90, via independent Claims 5, 8 and 15, each of these claims specifies, in a well screen, a plurality of telescoped tubular members including an innermost tubular member having a sidewall including a material, no other tubular member being disposed within the innermost tubular member, and at least one line embedded in the sidewall material of the innermost tubular member. As previously discussed, the Brockman reference (used as the primary reference in the obviousness rejections of all of these claims) clearly fails to disclose these claim limitations.

This deficiency in Brockman is in no manner cured by any of the secondary references used in the obviousness rejections of Claims 5, 6, 8, 85, 87, 88 and 90. Specifically, Jones has been cited by the Examiner solely for its teachings relative to tubular insert shields; Swearingen has been cited solely for its teachings relative to nozzle insert retainers; Miller has been cited solely for its teachings relative to an outer jacket and an associated expandable member; and Bearden et al has been cited solely for its teachings relative to sidewall-recessed filter media.

It is thus respectfully submitted that neither of applicants' Claims 5 and 87 is rendered obvious by the Brockman/Jones reference combination; neither of applicants' Claims 6 and 88 is rendered obvious by the Brockman/Jones/Swearingen reference combination; neither of applicants' Claims 8 and 90 is rendered obvious by the Brockman/Miller reference combination; and Claim 85 is not rendered obvious by the Brockman/Bearden et al reference combination.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 5, 6, 8, 10, 15, 84, 85 and 87-97 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on November 24, 2003
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